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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/286,471

04/06/1999

PER WILLARS

2380-122

5036

23117

7590

09/30/2008

NIXON & VANDERHYE, PC

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ARLINGTON, VA 22203

EXAMINER

TRAN, CONGVAN

ART UNIT

PAPER NUMBER

2617

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/286,471	<b>Applicant(s)</b> WILLARS ET AL.	
	<b>Examiner</b> CongVan Tran	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 1999.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/06/99; 12/10/99</u> .                                      | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office Action is in response to communication filed April 06, 1999).

#### ***Drawings***

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings filed on Apr. 06, 1999 are not clear and formal drawings.

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, are rejected under 35 U.S.C. 102(e) as being anticipated by Byrne (5,737,703).

Regarding claim 1, Byrne discloses a multi-mode radio telephone which executes handover between different system having a first communication protocol, said radio

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access network defining first cells at least some of which neighbor foreign cells employing a foreign communication protocol different from said first communication protocol, said foreign communication protocol associated with a foreign communication system (see fig.1, first communication protocol 132/138/238, foreign communication protocol 114/116/118/228, foreign communication system 117, first cells 130, col.5, lines 7-24) the radio access network comprising: radio access network node structure for communicating with multi-mode mobile radios in said first cells (fig.1, radio access network node 130, multi-mode mobile radios 200, col.2, lines 33-54, col.5, lines 7-24), a data mechanism to exchange handover information through said network node structure with said multi-mode radios as said multi-mode radios are to be handed-over to said foreign cells (col.3, lines 53-56, col.5, lines 7-24), said data mechanism having a dedicated data mapped structure generic to said radio access network and said foreign communication system such that said generic data mapped structure transports both handover data content unique to said first communication protocol and handover data content unique to said foreign communication protocol (see abstract, fig.1, radio access network node 130, multi-mode mobile radios 200, foreign cells 114/116/118, foreign communication system 117, col.2, lines 33-54, col.5, lines 7-24).

Regarding claim 8, Byrne discloses a multi-mode radio telephone which executes handover between different systems, comprising: a radio access network having an associated first communication protocol for communicating to multi-mode mobile radios in first cells serviced by said radio access network according to said first communication protocol, (see fig.1, first communication protocol 132/134/238, multi-mode mobile radios

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200, first cells 130) and a core network having an associated foreign communication protocol for communicating to multi-mode mobile radios in at least foreign cells neighboring said first cells and serviced by said core network according to said foreign communication protocol (a core network 117, foreign communication protocol 114/116/118/228, multi-mode mobile radios 200, at least foreign cells 114/116/118), said radio network and said core network being in handoff communication with each other to handoff said mobile radios when said mobile radios commute from one of said first cells to one of said foreign cells (col.3, lines 53-56, col.5, lines 7-24), said handoff communication being in accordance with a data mechanism having a dedicated data mapped structure portion that is generic to said radio access network and said core network such that said same generic data mapped structure transports both handover data content unique to said first communication protocol and handover data content unique to said foreign communication protocol (see abstract, fig.1, col.2, lines 33-54, col.3, lines 53-56, col.5, lines 7-24 and whole document).

5. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Salkini (6,912,230).

Regarding claims 1, 8, and 13, 20, Salkini discloses a multi-protocol wireless communication apparatus and method, comprising the steps of: providing a data mechanism having a handoff information dedicated to information identifying handoff characteristics between said first node and said foreign node (see fig. 28, first node 105<sub>1</sub>/480, foreign node 105<sub>2</sub>/490, col.26, line 29-65), receiving at the first node said handoff-specific information, said first node employing a first radio communication

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protocol type (see fig.9, fig. 28, first node 105<sub>1</sub>/480), said foreign node employing a foreign radio communication protocol type different from said first radio communication protocol type (see fig.9, fig. 28, foreign node 105<sub>2</sub>/490), filling said handoff information container with said handoff-specific information in a form particular to said foreign radio communication protocol type (see col.26, lines 29-65), said handoff information container being of a generic structure to transport said handoff-specific information according to both said first communication protocol type and said foreign communication protocol type (see abstract, fig.9, fig. 28, first node 105<sub>1</sub>, foreign node 105<sub>2</sub>, col.26, lines 29-65, col.27, 14-17 and whole document).

Regarding claims 2-6, 10-11, 14-18, 22-23, and 25-26, Salkini further discloses the radio access network node fills the dedicated data map structure to include broadcast system information, mobile capacities information, neighboring cell information (see fig.28, col.26, lines 56-65).

Regarding claims 7, 9, 12, 19, 21, and 24, Salkini further discloses the radio access network node fills the dedicated data map structure to include handoff command information (see fig.28, col.26, lines 29-40).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CongVan Tran/  
Primary Examiner, Art Unit 2617